



CASE PC/3-22827/A/PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE PCT NATIONAL STAGE APPLICATION OF  
ADOLF KÄSER ET AL.

Group Art Unit: **1796**

Examiner: **Amina S. Khan**

INTERNATIONAL APPLICATION NO. **PCT/EP EP 04/000424**    **Confirmation No. 9185**

FILED: **January 20, 2004**

FOR: LIQUID PREPARATION OF A COPPER

PHTHALOCYANINE DYE

U.S. APPLICATION NO: **10/542,852**

35 USC 371 DATE: July 21, 2005

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION UNDER RULE 132**

I, Dr. Adolf Kaeser, a citizen of Switzerland, residing in CH-4103 Bottmingen, Switzerland, hereby declare:

1. That I was awarded a Diploma in Chemistry (Dipl.Chem.) at the University of Basel, in 1973. I was awarded my Ph.D. from the University of Basel in 1977, working in the field of organic chemistry.
2. That I joined Ciba Specialty Chemicals in 1978 in the "R&D department for Reactive Dyes". That, since this time, I have mainly worked in the field of colorants in different areas, since 1986 with focus on direct dyes and pigments for dyeing paper, since 2005 in the field of laser active colorants.

3. That I presently hold the position of laboratory manager for laser active coating compositions.

4. That I consider myself an expert in the field of dye and pigment formulation for paper application.

5. That I have filed over 40 patent applications, which have resulted in granted US patents or are still pending.

6. That I supervised the following experimental procedures:

Formulations (A) and (B) were prepared by mixing

(A) 69.0g of moist press cake of the dye of formula (1) of the instant invention, having an active content of 37.5%,

15.0g of  $\epsilon$ -caprolactam,

4.5g of formic acid,

7.5g of benzyl alcohol and

54.0g of water, as described in Example 1 of the instant invention and

(B) 69.0g of moist press cake of the dye of formula (1) of the instant invention, having an active content of 37.5%,

15.0g of N-methyl pyrrolidone,

4.5g of formic acid,

7.5g of benzyl alcohol and

54.0g of water, corresponding to the formulation claimed in US 4,111,650.

The viscosities of the two formulations were then measured and the resulting values collated in Table 1 below:

Table 1

Formulation	Viscosity at 5°C	Viscosity at 25°C
(A)	243mPas	42mPas

(B)	488mPas	60mPas
-----	---------	--------

7. I, Adolf Kaeser, further declare that the experimental results show that, the improved lower viscosity of the formulation of the invention is surprising and of considerable importance in the paper making process due to improved pumpability of the dye solutions, as indeed is mentioned on page 1, 4<sup>th</sup> paragraph of the description of the instant invention.

8. I, Adolf Kaeser, finally declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

\_\_\_\_\_  
sig.

\_\_\_\_\_  
date